

**Municipality of Anchorage (MOA)
Coastal Management Plan (CMP)
Public Review Draft Plan Amendment
Department of Environmental Conservation Comments
February 10, 2006**

Page 7 – Goal 2,

Objective B Develop enforceable policies for those activities likely to result in erosion

Deleted: , generate stormwater runoff, or generate sedimentation that has the potential to impact local streams and lakes.

Objective C Develop enforceable policies that address the cumulative impacts to fish and wildlife habitat that can result from the creation of additional impervious surfaces.

Deleted: and water quality

Comment

Goal 2, Objective B and Objective C should be revised as shown in track changes to delete references to water quality, stormwater runoff and sedimentation since these are matters regulated by DEC under AS 46.03, AS.46.04. AS 46.09 and AS 46.14. ACMP regulation 11 AAC 114.200 requires that the means to achieve an objective must be stated in the district plan. The primary means of achieving a coastal management plan objective is an enforceable policy. Since the MOA CMP cannot include enforceable policies that address air, land and water quality (11 AAC 114.270(f)) the MOA will not be able to state a means within the Alaska Coastal Management Program to achieve objectives B and C.

Page 36 –*Water Quality*

Paragraph 2, last sentence,” Policies in this plan provide guidance and methods that contribute to reductions in these water quality issues.”

Comment

This sentence should be deleted or revised since it conflicts with ACMP regulation 11 AAC 114.270(f), which states water quality matters regulated by DEC under AS 46.03, AS.46.04. AS 46.09 and AS 46.14 cannot be part of a district enforceable policy.

Page 43, 6.4.3 ADEC Jurisdiction

Comment

This section does not mention the restrictions on enforceable policies in ACMP regulation 11 AAC 114.270(f) “In accordance with AS 46.40.040(b) a district may not address a matter regulated by the Department of Environmental Conservation under AS 46.03, AS.46.04. AS 46.09 and AS 46.14 and the regulations adopted under those statutes.” This is a critical piece of information about the ADEC jurisdiction and should be added to this section.

Page 39, EP-4 “Post-construction re-vegetation within the waterbody setbacks described in *EP-1*, with species and at a density similar to pre-construction, shall be required in order to protect bare soil surfaces.”

Comment

EP-4 is an enforceable policy that seeks to control nonpoint source water pollution. DEC encourages the MOA to adopt this nonpoint source pollution control requirement in municipal ordinances.

For purposes of including this policy in the MOA CMP the track changes shown above are necessary to ensure that the policy complies with ACMP regulation, 11 AAC 114.270(f), “In accordance with AS 46.40.040(b) a district may not address a matter regulated by the Department of Environmental Conservation under AS 46.03, AS.46.04, AS 46.09 and AS 46.14 and the regulations adopted under those statutes.” The treatment of runoff into a waterbody is within DEC’s statutory authority which includes the prevention control and abatement of any water, land, subsurface land and air pollution and other sources of potential pollution in the environment.

Page 39, EP-7 “Where a transportation project or trail or utility project requires a stream crossing, when there is no practicable or less - damaging alternative, the crossings shall be co-located to the extent practicable in order to minimize:

(2) “The removal of vegetation.”

Comment

EP-7(2) may require that vegetation not be removed. The references to filtering sediments, nutrients, and pollutants must be deleted as shown in track changes. Nutrients, oxygen levels and toxic discharges are matters regulated by the Department of Environmental Conservation under AS 46.03, AS.46.04, AS 46.09 and AS 46.14 and cannot be part of an enforceable policy according to ACMP regulation 11 AAC 114.270(f).